

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

K.L., a Minor,

Plaintiff,

Case No: 1:09-cv-52

v

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

OPINION AND ORDER

Plaintiff seeks judicial review of a decision of the Commissioner of the Social Security Administration. 42 U.S.C. § 405(g). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court affirm the Commissioner's decision to deny Supplemental Security Income benefits. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff first objects generally to any conclusions reached contrary to positions set forth in his previous briefs. The Court will not address any such general objection. A party filing objections to a report and recommendation "shall specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b). Thus, this Court will consider only the objections specifically raised or discernable in a plaintiff's objections.

Plaintiff objects that the Magistrate Judge, and the Commissioner, failed to appropriately apply the treating physician rule. Plaintiff contends that the factual bases on which the Magistrate Judge and the Commissioner “discarded” the treating physician rule, are at best insufficient (Obj. ¶ 3). This argument is without merit. The Magistrate Judge fully considered the treating physician doctrine and extensive record evidence, and concluded that the ALJ properly evaluated the medical evidence. Contrary to Plaintiff’s assertions, the Magistrate Judge and the ALJ did not rely merely on a statement in school records indicating that Plaintiff had “improved” (Obj. ¶ 3(D)).

Accordingly:

IT IS HEREBY ORDERED that the Objections (Dkt 17) are DENIED, the Report and Recommendation of the Magistrate Judge (Dkt 15) is APPROVED and ADOPTED as the Opinion of the Court, and the decision of the Commissioner of Social Security is AFFIRMED.

A Judgment will be entered consistent with this Opinion and Order.

Dated: April 27, 2010

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge